

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Entercom Communications and CBS Radio Seek)	MB Docket No. 17-85
Approval to Transfer Control of and Assign FCC)	
Authorization and Licenses)	
)	

To: The Commission
Attn: Marlene H. Dortch, Secretary

**OPPOSITION OF ENTERCOM COMMUNICATIONS CORP.
TO APPLICATION FOR REVIEW**

Entercom Communications Corp. (“Entercom”) hereby opposes the Application for Review¹ filed by Edward R. Stolz II et al. against the *MO&O* granting the above-referenced applications.² The *MO&O* correctly found that Petitioners’ arguments were “insufficient to raise a substantial and material question of fact regarding the proposed transaction.”³ The AFR fails to demonstrate any legal or factual error warranting reversal of the *MO&O*. The AFR therefore should be denied.

The Commission will grant an application for review only if the staff action is in conflict with the law, precedent, or established Commission policy, presents a new question of law or policy not previously resolved by the Commission, involves the application of a precedent or policy that should be overturned or revised, is premised upon an erroneous findings as to a

¹ Application for Review of Edward R. Stolz II, d/b/a Royce International Broadcasting Company, Golden State Broadcasting, LLC, Silver State Broadcasting, LLC, Major Market Radio, LLC, and Deborah J. Naiman (“Petitioners”), MB Docket No. 17-85 (Dec. 11, 2017) (“AFR”).

² *Entercom Communications and CBS Radio*, Memorandum Opinion and Order, MB Docket No. 17-85, DA 17-1100 (MB rel. Nov. 9, 2017) (“*MO&O*”).

³ *Id.* at ¶ 17.

significant, material question of fact, or involves prejudicial procedural error.⁴ The AFR fails to demonstrate any such error.

On Issue (a), the AFR simply reiterates arguments made to the Media Bureau without demonstrating any error in the Bureau's resolution of that issue. Disagreement without any explanation of alleged error does not warrant granting an application for review. On Issues (b)-(d), the AFR does not even reiterate prior arguments but makes no arguments at all, and simply refers to other pleadings and proceedings. That is not sufficient to preserve these issues for Commission or judicial review. "Those who wish to challenge a Commission decision must ensure that the Commission is afforded 'a fair opportunity to review the arguments' before raising them in court."⁵ If Petitioners believed that the Bureau erred in resolving these issues, it was incumbent upon them to raise these issues with the Commission in a meaningful way.⁶ The Commission is not required to scour the record to identify the parties' arguments.⁷

⁴ 47 C.F.R. § 1.115(b).

⁵ See *All Am. Tel. Co. v. FCC*, 867 F.3d 81, 93 (D.C. Cir. 2017) (citing *BDPCS, Inc. v. FCC*, 351 F.3d 1177, 1183 (D.C. Cir. 2003)); see also 47 U.S.C. § 405.

⁶ See *Wash. Ass'n for Television and Children v. FCC*, 712 F.2d 677, 681 (D.C. Cir. 1983); *Fones4all Corp. v. FCC*, 550 F.3d 811, 819 (D.C. Cir. 2008) (explaining that the issue must be 'meaningfully raised').

⁷ See, e.g., *Petition of Core Communications, Inc.*, 22 FCC Rcd 14118, 14125 ¶ 13 & n.48 (2007).

Accordingly, for the reasons set forth above, the Commission should deny the Application for Review.

Respectfully submitted,

ENTERCOM COMMUNICATIONS CORP.

By: /s/ David H. Solomon

David H. Solomon

J. Wade Lindsay

Danielle K. Thumann

WILKINSON BARKER KNAUER, LLP

1800 M Street NW, Suite 800N

Washington, DC 20036

202.783.4141

Its Attorneys

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CERTIFICATE OF SERVICE

I, Theresa Edwards, do hereby certify that, on this 22 day of December, 2017, the foregoing Opposition of Entercom Communications Corp. to Application for Review was served by first class mail, postage prepaid, on the following persons:

Dennis J. Kelly
Law Office of Dennis J. Kelly
Post Office Box 41177
Washington, DC 20018
Counsel for Edward R. Stolz II et al.

Meredith S. Senter
Laura M. Berman
Lerman Senter PLLC
2001 L Street NW, Suite 400
Washington, DC 20036
Counsel for CBS Corporation

Michael Wagner
Steven Svab
Audio Division, Media Bureau
Federal Communications Commission
Washington, DC 20554

Scott W. Woodworth
Edinger Associates
1875 I Street, NW, Suite 850
Washington, DC 20006
Counsel for TDC Communications, LLC

/s/ Theresa Edwards